




DATE: April 12, 2006

TO: CVRC Board Directors
Honorable Mayor and Council Members

VIA: Jim Thomson, Interim Chief Executive Officer 
Ann Hix, Acting Director of Community Development 

FROM: Ed Batchelder, Advance Planning Manager 

SUBJECT: **PUBLIC HEARING: PCA-07-04; CONSIDERATION OF
AMENDMENTS TO CHULA VISTA MUNICIPAL CODE CHAPTERS
19.07- SPECIFIC PLANS, AND 19.80- CONTROLLED RESIDENTIAL
DEVELOPMENT**

Project Area:	Merged Chula Vista Redevelopment Project Area
Applicant:	City of Chula Vista
Project Site:	City-wide
Project Type:	Zoning Text Amendments
Project Description:	<p>The first of the proposed amendments regards Chula Vista Municipal Code (CVMC) Chapter 19.07- Specific Plans, and would add provisions to further clarify required content for local specific plans, including a program indicating how and when facilities and services needed to support the plan's development would be provided and financed. The amendments also add findings to be made by both the Planning Commission and City Council in conjunction with actions on proposed specific plans to ensure that the plans conform with requirements, and that facility and service requirements will be met prior to, or concurrent with development.</p> <p>The second proposed amendment regards CVMC Chapter 19.80- Controlled Residential Development Ordinance (CRDO), and would add a provision stating that areas zoned, or proposed to be rezoned</p>

	as part of a specific plan would be deemed in compliance with the CRDO's zoning provisions, provided it conforms to the requirements of CVMC Chapter 19.07 and is supported by the required findings as noted above. This would be similar to the existing provision in the CRDO which finds Planned Community zoned areas to be in compliance.
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INTRODUCTION

In the late 1980s, a citizen's initiative, referred to as the "Cumming's Initiative" was passed by a majority vote of the electorate and was incorporated as Chula Vista Municipal Code (CVMC) Section 19.80--Controlled Residential Development (Ordinance 2309 Initiative 1988). The purpose and intent of the initiative was generally to ensure the quality of life for the residents of Chula Vista. The ordinance states that the intent is "not designed to halt quality growth, but to ensure that rampant, unplanned development does not overtax facilities and destroy the quality and home town character of Chula Vista".

When the initiative was crafted, some areas of the City (those zoned Planned Community (PC)) already had an obligation to prepare comprehensive public facility and service plans to support proposed development, and as a result, CVMC 19.80 states that areas zoned or proposed to be rezoned to planned community (PC) are deemed in compliance with the Controlled Residential Development Ordinance's zoning provisions (Section 19.80.070). However, Section 19.80.070 does not recognize the use of specific plans prepared pursuant to City ordinance and the State Government Code to achieve this same end. Specific Plans are widely used comprehensive zoning mechanisms that are very similar to the Sectional Planning Area (SPA) Plans used to implement the City's PC zoned areas. They are also required to be accompanied by programs and implementation measures necessary to implement comprehensive public facilities and services.

Considering this, and the extensive growth management requirements and programs that have been instituted in the City in the approximately 20 years since CVMC 19.80 was created, Specific Plans should be similarly recognized as being compliant with the intents of the Controlled Residential Development Ordinance. The proposed amendments are intended to accomplish this.

REDEVELOPMENT FISCAL IMPACT

The proposed zoning text amendments do not approve or deny any particular development, or otherwise change zoning of areas under the auspices of a specific plan. As such they do not have a direct fiscal impact. They do, however, clarify and

ensure that development would ultimately mitigate its related, proportionate affects on facilities and services, consistent with the City's growth management regulations. These affects would be quantified and addressed in conjunction with those particular development decisions.

ENVIRONMENTAL DETERMINATION

The Environmental Review Coordinator has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment because the project consists of amendments to the City of Chula Vista Municipal Code to clarify the requirements of Chapters 19.07 and 19.80; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary. Although environmental review is not necessary at this time, when subsequent projects in accordance with Chapters 19.07 and 19.80 have been defined, environmental review will be required and a CEQA determination completed prior to approval of any such projects.

RECOMMENDATION

- a. That the Chula Vista Redevelopment Corporation adopt the Resolution recommending that the City Council approve the proposed Ordinances amending CVMC Chapters 19.07 & 19.80.
- c. That City of Chula Vista City Council:
 - 1) Approve and place on First Reading the Ordinance amending Chapter 19.07 of the Chula Vista Municipal Code.
 - 2) Approve and place on First Reading the Ordinance amending Chapter 19.80 of the Chula Vista Municipal Code. **(Unanimous Vote Required)**.

BOARDS/COMMISSIONS RECOMMENDATIONS

The Planning Commission held a public hearing on the proposed zoning text amendments (PCZ-07-04) on March 28, 2007, and voted 6-1 to approve a Resolution recommending that the City Council approve the proposed amendments to CVMC Chapters 19.07 and 19.80 based on the findings and subject to the provisions contained in the attached City Council Ordinances.

DECISION MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site specific and consequently the 500 foot rule found in California Code of Regulations Section 18704.2(a)(1) is not applicable.

BACKGROUND

Concerns & Intentions Expressed in the Cummings Initiative-

As noted in the opening section of this report, amid the growth pressures of the mid-1980s, and absent a comprehensive City plan or system for growth management, voters passed the Cummings Initiative which became the Controlled Residential Development Ordinance (CVMC 19.80) to ensure that any rapid, unplanned development did not overtax public facilities and services, and degrade the quality of life in Chula Vista.

To carry this out, the Ordinance requires the staged provision of public services and facilities commensurate with growth through funding mechanisms such as a system of fees, collected from developers at the time of new development. These fees are to be spent by the City, in a timely manner, on public facilities and services to ensure that new development will not have a negative impact on the residents of Chula Vista. Along with this were the phased zoning provisions mentioned earlier.

In the findings section (19.80.010), the initiative acknowledged that voters felt the City had more than adequate time to produce a general plan to address pending new development and protect quality of life, but had failed to do so. As a result, the measure was presented to qualify an effective and fair growth management ordinance by the voters. Toward acknowledging that the voters expected the City to take corrective growth management actions in the future, the ordinance contains the following among its provisions:

- Section 19.80.030; indicates that the City shall ensure the revised General Plan has a "public facilities and services element" such that development shall not occur until additional, necessary public facilities and services to support the development are assured. It goes on to state all the facilities and services to be encompassed.
- Section 19.80.040; indicates the City shall assure all funds necessary to meet public facility and services element needs through financing methods including but not limited to bonding, reimbursement agreements, development agreements, assessment districts, community facility districts, etc.
- Section 19.80.080; authorizes and directs the City Council to adopt such further ordinances, resolutions, policies and procedures consistent with the ordinance's purpose and intentions.

- Section 19.80.100; allows for modification of the ordinance through a public hearing, provided the amendment is clearly in keeping with the ordinance's intent. It requires a unanimous (5-0) Council vote to make such an amendment.
- Section 19.80.110; states that the ordinance is inconsistent with, and intended as an alternative to, any initiative or ordinance that would place a fixed numeric or rate limit on residential construction, or that would establish inflexible standards for public facilities requirements.

Growth Management progress in Chula Vista since passage of the Controlled Residential Development Ordinance -

Over the last 20 years since CVMC 19.80 was approved, the City of Chula Vista has made significant accomplishments in responding to the above recited concerns, intents and directions in the Cummings Initiative through numerous growth management activities that have served as a model for other communities in the state and nation. These include:

- Adoption of a city policy in 1987 establishing a set of eleven growth management Quality-of-Life Threshold Standards which continue to serve the City today. The policy also established the Growth Management Oversight Commission (GMOC) comprised of nine citizens who meet annually to monitor and report on existing and projected development's compliance with each of the eleven Threshold Standards.
- Adoption of a comprehensive General Plan update in 1989, including both a Public Facilities and Services Element and a Growth Management Element that provided policy guidance and linkage to the orderly growth of the City, and the timely provision of required facilities and services.
- In 1991 a Growth Management Program (GMP) document, and a Growth Management Ordinance (GMO) were adopted (CVMC 19.09). The GMP provided a comprehensive description of the requirements and relationships of the City's growth management provisions, their integration with the development review process, and related administration and compliance mechanisms. These ensure that development does not occur unless facilities and improvements are available to support the development, and that new development either provides them, or pays associated fees. The GMO codified the City's Quality-of-Life Threshold Standards, and established specific growth management and facilities planning and financing performance requirements for new development. This includes the requirement for facilities and service plans such as Public Facilities Financing Plans (PFFPs).

- Established and/or updated a number of fee and financing programs requiring new development to provide their proportionate contribution to public services and facilities, including the following among others:
 - City-wide Public Facilities Development Impact Fee (DIF)
 - Eastern CV Transportation DIF
 - City-wide Park Acquisition and Development (PAD) Fee
 - City-wide Recreation DIF
 - Community Facility Districts (CFDs)
 - Assessment Districts
 - Sewer fees
 - Storm drain fees
 - Traffic signal fees
- Adoption and maintenance of facility master plans and/or strategic plans for police, fire, libraries, parks, sewers, and drainage among others. Outside agencies have also adopted and maintained master plans for schools and water facilities for example.
- Preparation of annual growth forecasts, and the conduct of various monitoring programs to track the amount and effect of growth. One example is the annual Traffic Monitoring Program (TMP).
- Adoption of a second comprehensive General Plan update in 2005, including updated Public Facilities & Services, and Growth Management Elements.

Collectively, this integrated system of growth management programs, standards, regulations, facility master plans, funding systems and monitoring activities created an effective system of checks and balances that continues to serve the city well in ensuring that new development keeps in step with the provision of public services and facilities.

It's also worthy to note that the California Environmental Quality Act (CEQA) review process includes an assessment of a project's impacts, and identification of mitigation measures related to significant impacts. The City's growth management Threshold Standards are routinely evaluated as part of our local CEQA process, and mitigation measures can include (but are not limited to) the provision of public services and facilities. For significant impacts, a Mitigation Monitoring and Reporting Program ("MMRP") ensures that subsequent new development implements timely mitigation for these impacts, which can include installation of infrastructure or payment of fees for needed public facilities as a result of new growth.

Similarities of Specific Plans to SPA Plans in the PC Zone –

As noted in the Introduction section of this report, and further described below, specific plans are very similar in content and function to SPA plans under the City's PC zone.

In 1984, several years before the approval of the Controlled Residential Development Ordinance (CVMC 19.80), the State of California enacted Government Code Sections 65450-65457 that allow for the preparation of specific plans to implement a city's General Plan. CVMC Chapter 19.07 incorporates those provisions along with others governing local specific plans. As described in State law, specific plans allow for a more comprehensive approach to traditional zoning, and are required to include much more than typical zoning regulations. They must effectively serve as a master plan for the area. Along with land use and building standards, regulations and guidelines, a specific plan must identify the proposed distribution, location, extent and intensity of major components of public and private infrastructure (transportation, sewage, water, drainage, solid waste disposal, energy, etc.) to be located within the area covered by the plan, and needed to support the proposed land uses. A specific plan is also required to include a program of implementation measures including regulations, programs, public works/facilities projects, and financing measures. This plan is similar in purpose to a PFFP in PC zoned areas.

In eastern Chula Vista, the City elected to carry out the function of specific planning through the Planned Community (PC) zone and its required Sectional Planning Area (SPA) Plans. SPA Plans (under CVMC Chapter 19.48) reflect the form and function of specific plans, but are a unique Chula Vista adaptation. That adaptation was designed to respond to the pattern of large vacant land holdings in eastern Chula Vista, and the intent to employ a master planned community format. This includes tailored provisions for new public services and facilities to be planned comprehensively by a master developer through a PFFP. Consistent with State law's facilities planning requirements for specific plans, the PFFP provides a plan and funding mechanisms for the provision of necessary public services and facilities commensurate with growth. Since the late 1980s, about 24,000 residential units and significant commercial and industrial areas have been successfully developed along with quality facilities and services through implementation of PC/SPA/PFFP approach.

DISCUSSION

Preparing for Specific Plans to Implement the Adopted General Plan-

With the recent adoption of the City's General Plan update in December 2005, a new vision for the city was established. A large part of that vision focused on the revitalization and redevelopment of western Chula Vista. New growth is planned around "smart growth" principles such as mixed use, and transit oriented development that concentrates infill and redevelopment to select focus areas and corridors to protect

stable single family neighborhoods, better utilize land resources, make more efficient use of infrastructure, and reduce environmental effects. Several key focus area such as the Northwest's Urban Core, portions of the Southwest Planning Area, and the Bayfront present many opportunities to generate new jobs, provide more housing, and create new shopping, entertainment and cultural experiences. This will necessitate the development of standards and regulations that address land use arrangements, densities and intensities beyond what the City's current zoning code provides. The General Plan calls for the preparation and adoption of specific plans in these areas to accomplish this in an organized and orderly fashion.

New specific plan zoning districts, particularly those needed to carry out the new Mixed Use and Urban Core Residential GP designations, will undoubtedly be different from those that presently exist in the Municipal Code (such as R2 or R3). If left unaddressed, we foresee that questions will arise as to the relation of adoption of such new zoning districts with the provisions as presently stated in CVMC 19.80.070. Absent clarifications, those questions could unduely cloud the adoption of specific plans needed to carry out the GP. This would include the pending Urban Core Specific Plan and future Southwest area specific plans.

Since specific plans are required to have comprehensive infrastructure and service plans similar to those successfully used in our PC areas, they are clearly in keeping with the purposes and intents of CVMC 19.80. This is further bolstered by the extensive requirements that exist under our current growth management programs developed over the 20 years since CVMC 19.80 was adopted. While CVMC 19.80.070 recognizes rezonings involving the PC zone (and thus associated SPA Plans) as being in compliance with the ordinance, it does not acknowledge the same for specific plans--but should.

As described below and presented in Exhibits A and B of Attachment 1 to this report, the proposed amendments to CVMC Chapters 19.07 and 19.80 are intended to accomplish that, and to emphasize specific plan requirements, particularly those regarding infrastructure and service plans.

Proposed revisions to CVMC 19.07 – Specific Plans-

- Adds new Section 19.07.011 to clarify City content requirements for specific plans, including a facilities planning and financing plan.
- Adds new Section 19.07.012 to establish findings that must be made by both the Planning Commission and City Council in conjunction with the approval of any specific plan. Those findings include consistency with the General Plan, that the specific plan sufficiently includes all required content per 19.07.011, and that related demands on public facilities and services will be addressed in advance of, or concurrent with, growth in conformance with City GMO (CVMC 19.09) standards.

- Deletes Section 19.07.020 as a clean up amendment. The referenced sections of the State Government Code have been repealed. Provisions regarding specific plan administration have been included in proposed Section 19.07.011.A.8.

Proposed revision to CVMC 19.80 - Controlled Residential Development-

- Amends Section 19.80.070 to add text stating that areas zoned or proposed to be rezoned as part of a comprehensive specific plan are deemed in compliance with the ordinance, provided they conform to the requirements outlined in CVMC 19.07 (above), and subject to making the findings required under Section 19.07.012 (also above).

Staff has determined that this proposed amendment, in conjunction with the proposed amendments to CVMC Chapter 19.07, is in keeping with the intent of the Controlled Residential Development Ordinance.

The proposed amendments are being brought forward at this time since the first of the GP zoning implementing efforts, the Urban Core Specific Plan, is ready for public hearing consideration.

CONCLUSION

For over 20 years specific plans have been used to successfully implement General Plans throughout the State. The City of Chula Vista has recognized this zoning tool by providing for its use in CVMC 19.07, and identifying it as one of the primary implementation tools for the 2005 General Plan, particularly in the western portions of the City. The specific plan model formed the basis for the City's PC Zone and SPA Plans, and like those, specific plans require a plan for, and mechanisms to ensure that new development provides adequate public services and facilities.

Considering this, and the extensive growth management requirements and programs that have been instituted in the City in the approximately 20 years since CVMC 19.80 was created, specific plans are clearly in keeping with the intent of the Controlled Residential Development Ordinance (Cummings Initiative), and should be recognized as being compliant with its zoning provisions in Section 19.80.070. The proposed amendments as presented in Attachment 1 will accomplish this, and would apply to all future specific plans prepared to implement the General Plan.

ATTACHMENTS

1. City Council Ordinance to Amend CVMC 19.07.
2. City Council Ordinance to Amend CVMC 19.80.

CVRC RESOLUTION NO. 2007-_____

RESOLUTION OF THE CHULA VISTA REDEVELOPMENT
CORPORATION RECOMMENDING CITY COUNCIL
APPROVAL OF PROPOSED AMENDMENTS TO CHULA
VISTA MUNICIPAL CODE CHAPTERS 19.07 AND 19.80

WHEREAS, in 1988, a citizen's initiative, referred to as the "Cumming's Initiative" was passed by a majority vote of the electorate and was incorporated as Chula Vista Municipal Code ("CVMC") Chapter 19.80 – Controlled Residential Development by Ordinance 2309 ("CRDO"); and

WHEREAS, the statement of purposes and intent section of the CRDO (CVMC 19.80.020) states that the initiative was "not designed to halt quality growth, but to ensure that rampant, unplanned development does not overtax facilities and destroy the quality and home town character of Chula Vista;" and

WHEREAS, in its findings, the CRDO indicates the voters' position at that time, that City had more than adequate time to produce a general plan to protect the quality of life in Chula Vista but had failed to do so; and

WHEREAS, absent such a plan, the CRDO states that it was the intent of the people to establish control over the quality and rate of growth of Chula Vista in the interest of preserving the character of the community; protecting the open space of the city; protecting the quality of life in the City; ensuring the adequacy of city facilities, school facilities, recreation, park facilities and services, fire and police and paramedic protection, and water and sanitary sewer systems; ensuring the balanced development of the city; and ensuring that the future traffic demands do not exceed the capacity of streets; and

WHEREAS, to carry this out, the CRDO requires the staged provision of public services and facilities commensurate with growth through funding mechanisms such as a system of fees, collected from developers at the time of new development, and also contains a provision limiting the frequency of residential rezones outside Planned Community (PC) zoned areas to the next highest category over a two-year period in order to create a control on the pace of development to allow the provision of public facilities and services to catch up if necessary; and

WHEREAS, the CRDO also states that areas zoned or proposed to be rezoned Planned Community (PC) are deemed in compliance with its zoning limitation provisions in recognition that PC zoned areas are required under the City's codes to include a comprehensive public facility and service planning and funding provisions; and

WHEREAS, further provisions of the CRDO acknowledge that the voters expected the City to take corrective growth management actions in the future; and

WHEREAS, in the approximately 20 years since adoption of the CRDO, and consistent with these intents and directions, the City has undertaken numerous efforts to establish an integrated system of growth management programs, standards, regulations, facility master plans, funding systems and monitoring activities that create a system of checks and balances that ensure new development keeps in step with the provision of public services and facilities; and

WHEREAS, CVMC 19.09 has further integrated standards and facilities evaluation, and plans for the funding and phasing of public services and facilities commensurate with growth, into the development process and has established the requirement related "Public Facilities Financing Plans ("PFFPs") as part of Sectional Planning Area ("SPA") Plan process; and

WHEREAS, in 1984 the State of California enacted Government Code Section 65450-65457 that allows for the preparation of specific plans to implement a city's General Plan, and which are incorporated into CVMC Chapter 19.07 – Specific Plans; and

WHEREAS, similar to a SPA plan, specific plans must identify the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan, and needed to support the land uses, and must include a plan and mechanisms for the provision of said public services and facilities commensurate with growth; and

WHEREAS, as a result, and pursuant to Government Code Section 65451, zoning or rezoning land under a planned community (PC) zone is analogous to rezoning as part of a specific plan; and,

WHEREAS, Section 19.80.070 of the CRDO provides that property zoned or rezoned as part of a planned community (PC) is deemed to be in compliance with its zoning provisions; and

WHEREAS, given the required content for specific plans as stated, specific plans should be similarly recognized as being compliant with the intents of the CRDO; and

WHEREAS, the Environmental Review Coordinator has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment because the project consists of amendments to the City of Chula Vista Municipal Code to clarify the requirements of Chapters 19.07 and 19.80; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines the activity is not subject to CEQA, and no environmental review is necessary; and

WHEREAS, the Community Development Director set the time and place for a hearing on the proposed zoning text amendments and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city, at least 10 days prior to the hearing; and,

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WHEREAS, the hearing was held at the time and place as advertised, namely 6:00 p.m., April 12, 2007, in the Council Chambers, 276 Fourth Avenue, before the Chula Vista Redevelopment Corporation.

NOW, THEREFORE, BE IT RESOLVED that the Chula Vista Redevelopment Corporation does hereby determined from the facts presented that approval of the proposed zoning text amendments is in keeping with the intents of the CRDO, and will effectively ensure that specific plans include a plan for needed public facilities and services to support the specific plan land uses, and that those needed facilities and services will be provided in advance of, or concurrent with development.

BE IT FURTHER RESOLVED that the Chula Vista Redevelopment Corporation recommends that the City Council adopt the proposed Ordinances approving the amendments to CVMC Chapters 19.07 and 19.80 in accordance with the findings contained in those Ordinances.

Presented by:

Approved as to form by

Ann Hix
Acting Director of Community Development

Ann Moore
General Counsel

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA
AMENDING CHULA VISTA MUNICIPAL CODE
CHAPTER 19.07 – SPECIFIC PLANS

WHEREAS, in 1984 the State of California enacted Government Code Sections 65450-65457 that allow for the preparation of specific plans to implement a city's General Plan, and which are incorporated into CVMC Chapter 19.07 – Specific Plans; and

WHEREAS, specific plans must identify the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan, and needed to support the land uses, and must include a plan and mechanisms for the provision of said public services and facilities commensurate with growth; and

WHEREAS, as a result, and pursuant to Government Code Section 65451, zoning or rezoning land under a planned community (PC) zone is analogous to rezoning as part of a specific plan, in that, both must: (i) be consistent with the City's General Plan; (ii) comply with the City's growth management programs; (iii) contribute proportionally to public services and facilities through the City's various impact fee programs; (iv) identify the public facilities and services needs of the proposed development, as well as how those needs will be met; and (v) complete an environmental review process which includes identification of mitigation measures related to significant environmental impacts, which can include but not be limited to the provision of public services and facilities; and

WHEREAS, CVMC 19.09 has further integrated standards and facilities evaluation, and plans for the funding and phasing of public services and facilities commensurate with growth, into the development process and has established the requirement for related "Public Facilities Financing Plans ("PFFPs") as part of Sectional Planning Area ("SPA") Plan process; and

WHEREAS, CVMC Chapter 19.07 contains the provisions and requirements that govern the preparation of specific plans within the City of Chula Vista; and

WHEREAS, the last update to CVMC 19.07 pre-dated the establishment of the majority of the City's current growth management provisions, including the adoption of CVMC 19.09; and

WHEREAS, in order to be clearer regarding requirements for local specific plans, including the required facilities and services plan, and their relation to City growth management provisions, it would be beneficial to update CVMC 19.07 to reference such requirements; and

WHEREAS, the proposed amendments to CVMC19.07 (Attached in Exhibit A hereto) are intended to accomplish this by listing the required components for specific plans and their accompanying public facility and service plans, and by adding findings to be made by the Planning Commission and City Council as part of their actions on specific plans; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 28, 2007, and recommended that the City Council adopt an Ordinance approving the proposed zoning text amendments; and

WHEREAS, the proceedings and evidence introduced before the Planning Commission at the public hearing on this proposal held March 28, 2007, and the minutes and resolution resulting there from, are hereby incorporated into the record of these proceedings; and

WHEREAS, the City Clerk set the time and place for a hearing on said zoning text amendments by the Chula Vista Redevelopment Corporation and the City Council for April 12, 2007, and notice of said hearing, together with its purpose, was given pursuant to California Government Code 65091 and 65092 at least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely on April 12, 2007, at 6:00 p.m. in the City Council Chambers, 276 Fourth Avenue, before the Chula Vista Redevelopment Corporation and the City Council; and

WHEREAS, after hearing staff presentation and receiving public testimony said hearing was thereafter closed; and

WHEREAS, the Chula Vista Redevelopment Corporation approved a Resolution recommending that the City Council adopt an Ordinance approving the proposed zoning text amendments; and

WHEREAS, the Environmental Review Coordinator has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment because the project consists of amendments to the City of Chula Vista Municipal Code to clarify the requirements of Chapters 19.07 and 19.80; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines the activity is not subject to CEQA, and no environmental review is necessary.

NOW THEREFORE THE CITY COUNCIL of the City of Chula Vista, does hereby ordain as follows:

1. That specific plans, prepared pursuant to Government Code Section 65450 *et seq.* and Chula Vista Municipal Code Chapter 19.07, are similar to the planned

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- community (PC) zone and its implementing SPA plans, and also require a plan for, and mechanisms to ensure that, new development provides adequate public services and facilities.
2. That the proposed amendments to CVMC Chapter 19.07 as presented in Exhibit A attached hereto are in keeping with, and complement and reinforce provisions of, CVMC 19.09 and 19.80 by further clarifying the City's requirements for specific plans, including required public facility and service plans, and by adding required findings for Planning Commission and City Council actions on specific plans to ensure consistency with the intents of CVMC 19.09 and 19.80.
 3. That the proposed amendments to CVMC Chapter 19.07 as presented in Exhibit A attached hereto, will effectively ensure that needed public facilities and services to support the specific plan's land uses will be provided in advance of, or concurrent with development.
 4. That Chula Vista Municipal Code Chapter 19.07 be accordingly amended as depicted in the strike-through/underline format in Exhibits A attached hereto.

Effective Date

This ordinance shall take effect and be in full force on the thirtieth day from and after its second reading.

Presented by

Approved as to form by

James D. Sandoval
Director of Planning and Building

Ann Moore
City Attorney

Proposed Amendments to Chula Vista Municipal Code

**Chapter 19.07
SPECIFIC PLANS**

Sections:

- 19.07.010 Statutory authority – Scope of.
- 19.07.011 Requirements and content.
- 19.07.012 Findings required for recommendation and adoption.
- 19.07.020 Administration of. Repealed.
- 19.07.030 Zoning implementation thereof.
- 19.07.035 Repealed.

19.07.010 Statutory authority – Scope of.

Sections 65450 through 65507 of the Government Code of the state relating to the authority for the scope of specific plans, and the procedures for the adoption of specific plans, are hereby adopted and incorporated herein by reference as though set forth in full. The fee for processing specific plan amendments and specific plan development proposals or modifications shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1854 § 2, 1979; Ord. 1825 § 2, 1978).

19.07.011 Requirements and content.

A. Specific Plans shall consist of a plan diagram or diagrams, an accompanying text, and other attachments and exhibits as may be necessary, to specify all of the following in detail to the satisfaction of the Director of Planning and Building and/or their designee:

1. A statement and discussion of the relationship and consistency of the Specific Plan to the City's General Plan.
2. The type, distribution, location, amount, and intensity of all land uses within the area covered by the Plan.
3. The approximate total population anticipated within the Plan's area.
4. A depiction of any and all subareas or other districts within which the Plan's provisions will be applied.
5. The standards, regulations, criteria and guidelines by which all development shall proceed within the Plan and any of its subareas or districts.
6. The proposed distribution, location, extent and intensity of public facilities and services within the area covered by the Plan, and needed to support the land uses included in the Plan, including but not

- limited to transportation, sewer, drainage, water, parks, etc.
7. A program indicating how and when the facilities and services necessary to support the developing land uses will be installed or financed, and including the following:
 - a. A list of the facilities and services.
 - b. An inventory of present and future requirements for each facility and service based upon the City's Growth Management Threshold Standards.
 - c. A phasing schedule that addresses the timing for installation or provisions for required facilities and services.
 - d. A financing program identifying the methods for funding those facilities and services consistent with the phasing schedule.
 8. Provisions and procedures for the comprehensive implementation and administration of the Plan.

19.07.012 Findings required for recommendation and adoption.

- A. The planning commission, after a public hearing, may recommend approval of a specific plan provided that it finds that the facts submitted with the plan and presented at the hearing establish that:
 1. The specific plan is in conformance with the City's General Plan.
 2. The specific plan was prepared in accordance with the City's municipal code and the California Government Code provisions governing specific plans.
 3. That the associated demands on public facilities and services due to development allowed by the specific plan will be mitigated prior to, or concurrent with the development, and in conformance with the City's Growth Management Ordinance CVMC 19.09.
- B. The planning commission may recommend disapproval of the specific plan, may recommend approval of said plan as submitted, or may recommend approval of said plan subject to specified modifications.
- C. The city council, based upon receipt of the planning commission recommendation on the specific plan shall conduct a public hearing thereon. The city council may approve, deny or modify the plan. Any action of

approval, or approval subject to modifications, by the city council shall also be subject to the following findings:

1. The specific plan is in conformance with the City's General Plan.
2. The specific plan was prepared in accordance with the City's municipal code and the California Government Code provisions governing specific plans.
3. That the associated demands on public facilities and services due to development allowed by the specific plan will be mitigated prior to, or concurrent with the development, and in conformance with the City's Growth Management Ordinance CVMC 19.09.

~~19.07.020 Administration of:~~

~~Sections 65550 through 65553 of the Government Code of the state relating to the administration of specific plans are hereby adopted and incorporated herein by reference as though set forth in full. (Ord. 1854 § 2, 1979; Ord. 1825 § 2, 1978).~~

19.07.030 Zoning implementation thereof.

A. Specific plans may be implemented through the adoption of standard zoning ordinances, the planned community zone, as provided in this title, or by plan effectuation standards incorporated within the text of an individual specific plan. The method of implementing an individual specific plan shall be established and expressed by its adopting resolution or ordinance.

If the specific plan is to be implemented through the use of standard zones, any open space uses or other public uses so designated on the specific plan may be allowed to be developed in a manner logically consistent with and in conformity to adjacent and contiguous land uses as shown on the specific plan; provided, however, the developer must show that such development, which must be residential, thus allowed will not increase the overall density of the total area incorporated into the specific plan. Further, in no case shall any designated open space land, or land designated for other public use in said specific plan, be developed for any use other than residential. Should all adjacent and contiguous land uses be designated for uses other than residential, the underlying land use on such open space may be requested for development at no greater density than that allowed in the R-E zone.

B. If any territory subject to an adopted specific plan is zoned P-C, the involved property owners may register their concurrence with terms and provisions of the adopted specific plan, and may proceed with development in accordance therewith; provided, that the required fees are paid, and the procedural and substantive requirements of the P-C zone are met. The said registration of concurrence shall, by operation of law, establish the adopted specific plan as the general development plan of the involved P-C zone. If the property owners do not register their concurrence with the terms and provisions of the adopted specific

plan, they may proceed with the development of their property through the use of standard zoning, as provided hereinabove.

C. When a specific plan is adopted and existing zoning is thereby inconsistent with the specific plan and the developer desires to develop the property in accordance with the existing zoning, the developer must first submit a proposed amendment to the specific plan. All such amendments shall be subject to public hearings by the planning commission and the city council. If the amendment is adopted, the developer can proceed with the normal processing of the development proposal.

Notwithstanding the above provisions, those projects which have been substantially processed consistent with existing zoning and which are affected by a specific plan may proceed; provided, that the zoning administrator issues in each case a permit to complete processing based upon the findings that the effectiveness of the specific plan and the order and amenity of the community would not be substantially impaired by the issuance of the permit.

Projects shall be deemed to be substantially processed where the property owners have procured approved tentative subdivision or parcel maps, building permits, conditional use permits, or design review committee approvals, in furtherance of the proposed projects. The zoning administrator, furthermore, may deem that projects have been substantially processed where the involved property owners have submitted tentative subdivision or parcel maps or applications for design review, but are awaiting consideration by the appropriate city agency or official.

Appeals from the actions of the zoning administrator may be filed, within 10 days after the dates of said actions, with the planning commission. Further appeals to the city council may be submitted pursuant to the provisions of CVMC 19.14.110 and 19.14.130. (Ord. 2327 § 2, 1989; Ord. 2076 § 1, 1984; Ord. 1854 § 2, 1979; Ord. 1825 § 2, 1978).

19.07.035 Supersedence of zoning designations.

*Repealed by Ord. 2532 § 10, 1992. (Res. 11903, 1985).**

* Code reviser's note: Ord. 2532 renumbered the provisions of this section to be Chs. 19.81 to 19.87 CVMC.

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ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA
AMENDING CHULA VISTA MUNICIPAL CODE
CHAPTER 19.80- CONTROLLED RESIDENTIAL
DEVELOPMENT

WHEREAS, in 1988, a citizen's initiative, referred to as the "Cumming's Initiative" was passed by a majority vote of the electorate and was incorporated as Chula Vista Municipal Code ("CVMC") Chapter 19.80 – Controlled Residential Development by Ordinance 2309 ("CRDO"); and

WHEREAS, the Statement of purposes and intent section of the CRDO (CVMC 19.80.020) states that the initiative was "not designed to halt quality growth, but to ensure that rampant, unplanned development does not overtax facilities and destroy the quality and home town character of Chula Vista;" and

WHEREAS, in its findings, the CRDO indicates the voters' position at that time, that City had more than adequate time to produce a general plan to protect the quality of life in Chula Vista but had failed to do so; and

WHEREAS, absent such a plan, the CRDO states that it was the intent of the people to establish control over the quality and rate of growth of Chula Vista in the interest of preserving the character of the community; protecting the open space of the city; protecting the quality of life in the City; ensuring the adequacy of city facilities, school facilities, recreation, park facilities and services, fire and police and paramedic protection, and water and sanitary sewer systems; ensuring the balanced development of the city; and ensuring that the future traffic demands do not exceed the capacity of streets; and

WHEREAS, to carry this out, the CRDO requires the staged provision of public services and facilities commensurate with growth through funding mechanisms such as a system of fees, collected from developers at the time of new development, and also contains a provision limiting the frequency of residential rezones outside Planned Community (PC) zoned areas to the next highest category over a two-year period in order to create a control on the pace of development to allow the provision of public facilities and services to catch up if necessary; and

WHEREAS, the CRDO also states that areas zoned or proposed to be rezoned Planned Community (PC) are deemed in compliance with its zoning limitation provisions in recognition that PC zoned areas are required under the City's codes to include a comprehensive public facility and service planning and funding provisions; and

WHEREAS, further provisions of the CRDO acknowledge that the voters expected the City to take corrective growth management actions in the future as follows:

- Section 19.80.030 indicates that the City shall ensure the revised General Plan has a “public facilities and services element” such that development shall not occur until additional, necessary public facilities and services to support the development are assured.
- Section 19.80.040 indicates the City shall assure all funds necessary to meet public facility and services element needs through financing methods including but not limited to bonding, reimbursement agreements, development agreements, assessment districts, community facility districts, etc.
- Section 19.80.080 authorizes and directs the City Council to adopt such further ordinances, resolutions, policies and procedures consistent with the ordinance’s purpose and intents.
- Section 19.80.100; allows for modification of the ordinance through a public hearing, provided the amendment is clearly in keeping with the ordinance’s intent.
- Section 19.80.110 states that the ordinance is inconsistent with, and intended as an alternative to, any initiative or ordinance that would place a fixed numeric or rate limit on residential construction, or that would establish inflexible standards for public facilities requirements; and

WHEREAS, in the approximately 20 years since adoption of the CRDO, and consistent with these intents and directions, the City has undertaken the following major efforts to establish an integrated system of growth management programs, standards, regulations, facility master plans, funding systems and monitoring activities that create a system of checks and balances that ensure new development keeps in step with the provision of public services and facilities, including:

- Adoption of a city policy in 1987 establishing a set of eleven growth management Quality-of-Life Threshold Standards and establishing a Growth Management Oversight Commission (GMOC) comprised of nine citizens who meet annually to monitor and report on existing and projected development’s compliance with each of the eleven Threshold Standards.
- Adoption of a comprehensive General Plan update in 1989, including both a Public Facilities and Services Element and a Growth Management Element.
- Adoption of a Growth Management Program (GMP) document, and a Growth Management Ordinance (GMO) (CVMC 19.09) in 1991.

- Established and/or updated a number of fee and financing programs requiring new development to provide their proportionate contribution to public services and facilities, including the following among others:
 - City-wide Public Facilities Development Impact Fee (DIF)
 - Eastern CV Transportation DIF
 - City-wide Park Acquisition and Development (PAD) Fee
 - City-wide Recreation DIF
 - Community Facility Districts (CFDs)
 - Assessment Districts
 - Sewer fees
 - Storm drain fees
 - Traffic signal fees
- Adoption and maintenance of facility master plans and/or strategic plans for police, fire, libraries, parks, sewers, and drainage among others.
- Preparation of annual growth forecasts, and the conduct of various monitoring programs to track the amount and effect of growth such as the annual Traffic Monitoring Program (TMP).
- Adoption of a second comprehensive General Plan update in 2005, including updated Public Facilities & Services, and Growth Management Elements; and

WHEREAS, CVMC 19.09 has further integrated standards and facilities evaluation, and plans for the funding and phasing of public services and facilities commensurate with growth, into the development process and has established the requirement related "Public Facilities Financing Plans ("PFFPs") as part of Sectional Planning Area ("SPA") Plan process; and

WHEREAS, in 1984 the State of California enacted Government Code Sections 65450-65457 that allow for the preparation of specific plans to implement a city's General Plan, and which are incorporated into CVMC Chapter 19.07 – Specific Plans; and

WHEREAS, similar to a SPA plan, specific plans must identify the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan, and needed to support the land uses, and must include a plan and mechanisms for the provision of said public services and facilities commensurate with growth; and

WHEREAS, as a result, and pursuant to Government Code Section 65451, zoning or rezoning land under a planned community (PC) zone is analogous to rezoning as part of a specific plan, in that, both must: (i) be consistent with the City's General Plan; (ii) comply with the City's growth management programs; (iii) contribute proportionally to

public services and facilities through the City's various impact fee programs; (iv) identify the public facilities and services needs of the proposed development, as well as how those needs will be met; and (v) complete an environmental review process which includes identification of mitigation measures related to significant environmental impacts, which can include but not be limited to the provision of public services and facilities; and

WHEREAS, Section 19.80.070 of the CRDO provides that property zoned or rezoned as part of a planned community (PC) is deemed to be in compliance with its zoning provisions; and

WHEREAS, given the required content for specific plans as stated, specific plans should be similarly recognized as being compliant with the intents of the CRDO; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 28, 2007, and recommended that the City Council adopt an Ordinance approving the proposed zoning text amendments; and

WHEREAS, the proceedings and evidence introduced before the Planning Commission at the public hearing on this proposal held March 28, 2007, and the minutes and resolution resulting there from, are hereby incorporated into the record of these proceedings; and

WHEREAS, the City Clerk set the time and place for a hearing on said zoning text amendments by the Chula Vista Redevelopment Corporation and the City Council for April 12, 2007, and notice of said hearing, together with its purpose, was given pursuant to California Government Code 65091 and 65092 at least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely on April 12, 2007, at 6:00 p.m. in the City Council Chambers, 276 Fourth Avenue, before the Chula Vista Redevelopment Corporation and the City Council; and

WHEREAS, after hearing staff presentation and receiving public testimony said hearing was thereafter closed; and

WHEREAS, the Chula Vista Redevelopment Corporation approved a Resolution recommending that the City Council adopt an Ordinance approving the proposed zoning text amendments; and

WHEREAS, the Environmental Review Coordinator has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment because the project consists of amendments to the City of Chula Vista Municipal Code to clarify the requirements of Chapters 19.07 and 19.80; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines the activity is not subject to CEQA, and no environmental review is necessary.

NOW THEREFORE THE CITY COUNCIL of the City of Chula Vista, does ordain as follows:

1. That specific plans, prepared pursuant to Government Code Section 65450 *et seq.* and Chula Vista Municipal Code Chapter 19.07, are similar to the planned community (PC) zone and its implementing SPA plans, and also require a plan for, and mechanisms to ensure that, new development provides adequate public services and facilities.
2. That thereby amending the Section 19.80.070 of the CRDO to include areas zoned or proposed to be rezoned as part of comprehensive specific plan, is clearly in keeping with the intents of the CRDO.
3. That the proposed amendments to CRDO Section 19.80.070 as presented in Exhibit A attached hereto, in conjunction with the proposed amendments to CVMC Chapter 19.07, clearly and effectively are keeping with the intent of the CRDO, and will ensure that needed public facilities and services to support the specific plan land uses will be provided in advance of, or concurrent with development, as required in CVMC Chapter 19.07.
4. That Chula Vista Municipal Code Chapter 19.80 be accordingly amended as depicted in underline format in Exhibit A attached hereto.

Effective Date

This ordinance shall take effect and be in full force on the thirtieth day from and after its second reading.

Presented by

Approved as to form by

James D. Sandoval
Director of Planning and Building

Ann Moore
City Attorney

Exhibit A to City Council Ordinance _____
Proposed Amendments to Chula Vista Municipal Code
Chapter 19.80
CONTROLLED RESIDENTIAL DEVELOPMENT

Sections:

19.80.010 Findings.
19.80.020 Statement of purposes and intent.
19.80.030 No development without adequate public services and facilities.
19.80.040 Funding of public services and facilities.
19.80.050 Timely renovation or expansion of public services and facilities.
19.80.060 Limitations of residential development exemptions.
19.80.070 Chula Vista zoning code modification.
19.80.080 Adoption of consistent policies.
19.80.090 Ordinances in conflict.
19.80.100 Modification.
19.80.110 Statement of voter intent.
19.80.120 Judicial review.
19.80.130 Severability.
19.80.140 Codification.
19.80.150 Effective date.
19.80.160 Publication.

19.80.010 Findings.

A. The city council of Chula Vista has had more than adequate time to produce a general plan that will protect the quality of life and home town character of Chula Vista, now and in the future, and has failed to do so.

B. The city is experiencing a period of intense residential development which adversely affects the health, safety and welfare of the citizens of Chula Vista, and;

C. This intense development has overloaded the capacity of the city streets and thoroughfares to move traffic safely, efficiently, and has failed to meet traffic demands, and;

D. This intense development has impacted neighborhood schools' capacity to absorb children, and;

E. This intense development has overburdened existing open space for recreational facilities and parks, and;

F. This intense development has hindered the city's ability to provide police, fire and paramedic protection at a satisfactory level. (Ord. 2309 Initiative 1988).

19.80.020 Statement of purposes and intent.

A. Chula Vista has experienced and continues to experience uncontrolled rapid residential growth. This unprecedented growth is having a serious impact on the city's traffic flow, schools, street maintenance, water and sewer services, environmental quality and the city's overall quality of life today and in the foreseeable future. The purpose of this measure is to qualify an effective and fair growth management ordinance by initiative petition of the voters, one that will control growth and protect the quality of life. This measure is not designed to halt quality growth, but to ensure that rampant, unplanned development does not overtax facilities and destroy the quality and home town character of Chula Vista.

B. It is the intent of the people of the city to better plan for and control the rate of residential growth in the city in order that the services provided by the city, school, park, utility and/or service agencies operating in the city can be properly and effectively staged in a manner which will not overextend existing facilities, and in order that deficient services may be brought up to required and necessary standards while minimizing, by means of long-range financial planning, the avoidable problems of shortsighted piecemeal growth. In order to accomplish this, this ordinance will guarantee that any fees collected for drainage, schools, streets, utilities, parks and recreation facilities shall be collected or assured by the developers in advance of development impacts and shall be properly utilized and spent by the city or agency in a timely manner to ensure that the impact of the development will not have a negative impact on the residents of Chula Vista.

C. It is the intent of the people of the city to establish control over the quality and rate of growth of the city in the interest of: preserving the character of the community; protecting the open space of the city; protecting the quality of life in the city; ensuring the adequacy of city facilities, school facilities, recreation and park facilities and services; ensuring the balanced development of the city; preventing further the significant deterioration of environmental quality; ensuring that the future traffic demands do not exceed the capacity of streets; ensuring the character of the city's existing neighborhoods are preserved; ensuring the adequacy of fire and police and paramedic protection; and ensuring adequate water and sanitary sewer systems. (Ord. 2309 Initiative 1988).

19.80.030 No development without adequate public services and facilities.

The city council shall ensure that the revised general plan will have a specific element known as the "public services and facilities element." The purpose of the element is to ensure development shall not occur in the city of Chula Vista that would degrade existing public services and facilities below acceptable standards until all additional necessary public services and facilities required for that development are assured or scheduled for timely completion as determined by the city council in accordance with but not limited to the following criteria:

A. If the existing major city streets and thoroughfares do not have the capacity to accommodate the proposed development without substantially altering existing traffic patterns or overloading the existing street system, then construction or widening of a major link or links in the major traffic network shall be staged as necessary to ensure the quality of existing traffic flow is maintained.

B. If the existing drainage facilities cannot adequately dispose of the surface runoff of the proposed development, then incremental construction of major and/or minor water course facilities shall be required.

C. If the existing water storage and distribution systems cannot service the needs of the proposed development, then incremental construction of major water system improvements shall be required.

D. If the existing city parks and recreation facilities are, according to the established standards, inadequate to serve the proposed development, financing and/or construction of parks and recreation facilities shall be required.

E. The fire and police departments shall have the capacity to provide fire and police protection in accordance with established response standards and fiscal policies of the city.

F. The appropriate school districts shall have the capacity to absorb the children expected to inhabit the proposed development.

G. The libraries shall have the capacity to properly service the people expected to inhabit the proposed development.

H. The capacity of sanitary sewer plants and effluent lines to dispose of waste of the proposed development shall be sufficient, or contributions by the proposed development toward additional construction of additional sewer system improvements shall be required. (Ord. 2309 Initiative 1988).

19.80.040 Funding of public services and facilities.

A. The city council shall require that any individual, partnership, joint venture or corporation receiving approval of a tentative subdivision map or any other discretionary approvals for any development project shall assure all funds necessary to meet public service and facility element needs and assure developer's participation in the timely construction and financing of facilities.

B. Assurance of construction and financing is defined as any acceptable financing method including but not limited to bonding, reimbursement agreement, development agreements, assessment districts, community facilities districts that provides assurance to the city that the required funds or improvements shall become available for the timely renovation or expansion of impacted public services and facilities.

C. The city council shall expend all funds collected under Section 19.80.040A solely for the purpose for which they were advanced. (Ord. 2309 Initiative 1988).

19.80.050 Timely renovation or expansion of public services and facilities.

Occupancy of residential development projects shall occur only in increments until related agreed upon renovations or expansions to the public services and facilities are scheduled for timely completion. (Ord. 2309 Initiative 1988).

19.80.060 Limitations of residential development exemptions.

The following are the only allowable exemptions under this ordinance:

A. Single family dwellings on existing single-family lots.

B. Rehabilitation, or remodeling of existing dwellings or replacement of an existing dwelling or a conversion of apartments to condominiums not adding any units.

C. Any development project that has vested rights prior to July 1, 1988. This measure shall apply to all proposed development or redevelopment of Chula Vista except a development or redevelopment proposal which has obtained a "vested right" as of the effective date of this measure. For purposes of this measure, a "vested right" shall be:

1. "A project's right is vested where a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the city."

2. The "substantiality" of the expenditures incurred and of construction performed and the question of whether or not such expenditures and construction were in "good faith" are questions of fact to be determined on a case by case basis by the city council following application by the landowner or developer and upon notice to the interested public, and following public hearing.

D. Except for A, B, and C of this section, any development shall provide all necessary public services and facilities required to serve that development are insured in accordance with the criteria set forth in Section 19.80.040. (Ord. 2309 Initiative 1988).

19.80.070 Chula Vista zoning code modification.

A. Rezoning of property designated for residential development under the city's zoning code shall be permitted only to the next highest residential density category in any two year period according to the following schedule:

A Agricultural Zone

R-E Residential Estates Zone

R-1 Single Family Residential Zone

R-2 One- and Two-Family Residential Zone

R-3 Apartment Residential Zone

Property in the county pre-zoned for annexation as part of a planned community shall be deemed in compliance with this section regardless of the county zoning approved for the property. Property in the city zoned or proposed to be rezoned as part of a planned community shall be deemed in compliance with this section.

Property in the city zoned or proposed to be rezoned as part of a comprehensive specific plan shall be deemed in compliance with this section only in such instance that the specific plan conforms to the requirements of CVMC 19.07, and is supported by the requisite findings of the planning commission and city council, as set forth in CVMC 19.07.012.

This section shall not apply to rezones from a residential to a residential agricultural category.

B. Any annexation of lands within the city's sphere of influence shall conform to the purposes, intent and requirements of this ordinance.

C. After property is annexed by the city, the prezonning approved for the subject property cannot be amended or changed in any way for a two year period. This provision shall apply only to prezones approved after the effective date of this ordinance.

D. Rezoning commercial or industrial property to a residential zone shall be permitted only to the maximum residential density corresponding to the potential traffic generation that was applicable prior to the rezoning to residential. In addition, property which is rezoned from residential to commercial or industrial may not be rezoned to a residential category of higher density than that which was applicable prior to the rezoning to commercial or industrial. This provision shall apply only to rezones approved after the effective date of this ordinance.

E. Property which has been previously zoned which changes unit configuration resulting in the same or a decreased level of density (units) shall not be considered a zone change under this section. (Ord. 2309 Initiative 1988).

19.80.080 Adoption of consistent policies.

The city council of the city of Chula Vista is hereby authorized and directed to adopt such further ordinances, resolutions, policies or procedures consistent with the purposes, intents and requirements of the ordinance. (Ord. 2309 Initiative 1988).

19.80.090 Ordinances in conflict.

All provisions of the charter, city ordinances or provisions thereof in conflict with this chapter are hereby repealed. (Ord. 2309 Initiative 1988).

19.80.100 Modification.

The city council may, after a public hearing, and by an affirmative vote of no less than five members of the city council, amend any part of this ordinance, if said amendment and only if said amendment is clearly in keeping with the intent of this ordinance. Or, by no less than three affirmative votes of the city council, the city council may place a proposed amendment onto a ballot for the purpose of obtaining a binding vote of the people of the city concerning said amendment. (Ord. 2309 Initiative 1988).

19.80.110 Statement of voter intent.

This ordinance is inconsistent with and intended as an alternative to any initiative or ordinance which would place a fixed numerical limitation on the rate of residential construction or establish inflexible standards for the requirements of public facilities to be provided by any development project. If this ordinance and any such initiative ordinance are both passed by a majority voting thereon then the one with the most votes shall prevail. (Ord. 2309 Initiative 1988).

19.80.120 Judicial review.

A. Any legal action to challenge a decision or denial of the council or any other government body performing a function under this ordinance, must be filed in a court of competent jurisdiction within 30 days immediately following the action challenged.

B. Any legal action to challenge any provision of this ordinance or to challenge the intent of this ordinance, must be vigorously defended by the city. (Ord. 2309 Initiative 1988).

19.80.130 Severability.

If any provision of this ordinance, or the application thereof, to any person or circumstance is held invalid by a court of competent jurisdiction, the validity of the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby. (Ord. 2309 Initiative 1988).

19.80.140 Codification.

This ordinance shall be codified. (Ord. 2309 Initiative 1989).

19.80.150 Effective date.

This ordinance shall be considered as adopted upon the date that the vote is certified by the city clerk, and shall go into effect immediately thereafter. (Ord. 2309 Initiative 1988).

19.80.160 Publication.

The city clerk of the city of Chula Vista is hereby directed to publish this ordinance within fifteen days after its passage in the Chula Vista Star News, a newspaper of general circulation in the city of Chula Vista. (Ord. 2309 Initiative 1988).